

FEDERAL COMMUNICATIONS COMMISSION
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January 21, 2020

Empire Broadcasting Corp.
750 Sory Avenue
San Jose, CA 95122

Re: Empire Broadcasting Corp.
KLIV(AM), San Jose, CA
Facility Identification Number: 19531
Special Temporary Authority

Dear Applicant:

This is in reference to the request filed January 10, 2020, on behalf of Empire Broadcasting Corp. ("EBC"). EBC requests special temporary authority ("STA") to operate station KLIV(AM) from an alternate site location with a temporary tower.¹

In support of the request, EBC states that KLIV(AM) went off the air on January 28, 2019, the land was sold, and the towers were removed. Therefore, the station must resume broadcast operations by 12:01 a.m., January 29, 2020 or its license will expire as a matter of law. Thus, in order to resume broadcast operations, the station proposes to operate from an alternate site location on a temporary tower.

Specifically, KLIV(AM) proposes to operate from a site located 3.5 kilometers (2.2 miles) from its currently licensed site. Non-directional operation is proposed with a reduced daytime and nighttime power of 500 watts. EBC proposes to use an insulated pole that is secured on a trailer bed as the temporary antenna. The height of the temporary tower is 18.2 meters, 34.9 electrical degrees tall at the licensed frequency of 1590 kHz.

STA requests which involve a change in transmitter site must include four critical elements: (1) Loss of the licensed site must be beyond the licensee's control; (2) STA facilities must continue to provide service to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area² without extending it; (4) STA facilities cannot involve the

¹ KLIV(AM) is licensed for operation on 1590 kHz with a daytime and nighttime power of 5 kilowatts, employing a directional antenna pattern at night (DAN-U).

² For AM - 0.5 mV/m contour; for FM - 1.0 mV/m contour.

construction of towers intended for permanent use by the station requesting the STA. Accordingly, the request for STA is GRANTED. Station KLIV(AM) may operate with the following facilities:

Geographic coordinates	37° 21' 12" N, 121° 52' 52" W (NAD 1927)
Frequency	1590 kHz
Hours of operation	Daytime and Nighttime
Operating power	500 watts
Antenna type	18.2 meter (59.7 foot) temporary tower
Antenna Efficiency	270.4 mV/m/kW at 1 kilometer

This Special Temporary Authority does not supersede any non-FCC-regulated requirements applicable to the STA-authorized facility. The licensee remains solely and wholly responsible for maintaining compliance with such requirements.

It will be necessary to further reduce power or cease operation if complaints of interference are received. KLIV(AM) must notify the Commission when licensed operation is restored. KLIV(AM) must use whatever means are necessary to protect workers and the public from exposure to radio frequency radiation in excess of the Commission's exposure guidelines. *See* 47 CFR § 1.1310.

This authority expires on **July 20, 2020**.

Notwithstanding the grant of this STA or the expiration date specified herein, the station's license will expire as a matter of law if broadcast operations do not commence by 12:01 a.m., January 29, 2020. *See* Pub. Law No. 104-104, 110 Stat. 56, Section 403(1)(1996) and *Order, Silent Station Authorizations*, FCC 96-218 (released May 17, 1996). *See also Public Notice, Expedited Processing of Applications Filed by Silent Stations*, DA 96-818 (May 22, 1996). The licensee must notify the Audio Division immediately upon resumption of broadcasting.

STA Advisory: Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice the public interest." However, Section 309(f) is not a means by which a licensee/permittee may circumvent established processing procedures which require the filing of an application, nor is it a means by which a broadcaster may enhance his facility or make operation more convenient for the broadcaster. Stations operating with less than licensed facilities under temporary authorities can be viewed as receiving the benefit of a larger protection area than that in which they are currently providing service.

Accordingly, Special Temporary Authorities by nature are to be temporary and are not intended for extended use. Licensees of stations operating under temporary authorities are reminded that timely restoration of permanent facilities is the responsibility of the licensee and should be undertaken expeditiously. Any request for extension of special temporary authorities carries an increased burden with each subsequent request.

Therefore, requests for extension of STA will be granted only where the licensee can show that one or more of the following criteria have been met:

- Restoration of licensed facilities is complete and testing is underway;
- Substantial progress has been made during the most recent STA period toward restoration of licensed operation; or
- No progress has been made during the most recent STA period for reasons clearly beyond the licensee's control, and the licensee has taken all possible steps to expeditiously resolve the problem.

Sincerely,

A handwritten signature in dark ink, reading "Jerome J. Manarchuck". The signature is fluid and cursive, with the first name "Jerome" and last name "Manarchuck" clearly legible.

Jerome J. Manarchuck
Audio Division
Media Bureau

cc: Jerome S. Silber, Esq. (via email only)